

REMARKS

Claims 1 to 18 are pending in this application, of which claims 1 and 7 are independent. Favorable reconsideration is respectfully requested in view of the following remarks.

Claim 11 has been amended to correct a claim dependency. The applicant respectfully requests withdrawal of the objections to claims 11 and 12.

Amendments have also been made to the specification to provide a consistent grammatical style. No new matter has been added.

Claims 1-3, 6, 10, 13, 14, and 15 were rejected under 35 U.S.C. 102(b) as being anticipated by International Application Publication No. WO-9748040-A1 to Yacoob. Claims 4 and 5 were rejected under 35 U.S.C. 103(a) as being unpatentable over International Application Publication No. WO-9748040-A1 to Yacoob in view of St. Regis Paper Co. v Bemis Co., 193 USPQ 8 (hereafter St. Regis Paper Co.).

Claim 1, as amended, recites a system including local monitoring units fixedly installed near and dedicated to at least one piece of equipment, each of the local monitoring units including “monitoring means for real-time detecting and processing of failures occurring in said at least one piece of equipment to which the local monitoring unit is dedicated.”

Yacoob does not disclose or suggest these features of amended claim 1. For example, Yacoob does not teach or suggest the claimed “local monitoring units,” that is, components which monitor operations, performance, and the like, of associated equipment. At best, the “smart machine card” of Yacoob is merely a data storage for memorializing or recording technical data over time. Such a passive recording device of Yacoob does not teach or suggest the active functions of “monitoring” of the equipment of the claimed “local monitoring unit” and by itself makes amended claim 1 patentably distinct.

As an additional distinction, the “local monitoring units” as described in amended claim 1 have been clarified to include “monitoring means for real-time detecting and processing of failures occurring in said at least one piece of equipment to which the local monitoring unit is dedicated.” There is no structure or function corresponding to this claim element in Yacoob, since Yacoob does not teach or suggest “real-time detecting and processing of failures.”

Claims 2-3, 6, 10 and 13-15 depend on claim 1 and are patentable for at least the same reasons set forth above with respect to claim 1. New claim 16 is patentable for at least the same reasons as claim 1 from which it depends.

Claims 4 and 5 depend on amended claim 1, and were rejected as obvious over Yacoob in view of St. Regis Paper Co. The latter reference adds no teachings or suggestion to Yacoob to render claim 1, as amended, obvious and therefore claims 4 and 5 are patentable for at least the same reasons as claim 1 from which they depend.

The examiner indicated that claims 7-9, 11, and 12 contain allowable subject matter. Claim 7 has been amended to incorporate the features of previously-presented claim 1 as suggested by the examiner. The applicant submits that claims 7-9, 11 and 12 are in condition for allowance.

New claims 17 and 18 are patentable for at least the same reasons as claim 7 from which they depend.

The applicant respectfully requests consideration of the "Institut National de La Propriete Industrielle Preliminary Search Report" document cited in the September 24th, 2003 Information Disclosure Statement and return of the initialed PTO Form 1449 to the undersigned attorney.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

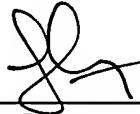
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Respectfully submitted,

Date: 4/6/05



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U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE Information Disclosure Statement by Applicant		ATTY. DOCKET NO. CAB014-216019	SERIAL NO 10/670,081
		APPLICANT Jean-Patrick Azpitarte	
		FILING DATE 9/24/03	GROUP 2863

U.S. PATENT DOCUMENTS

Exmr Initial		Document Number	Date	Name	Class	Sub Class	Filing Date
<i>MM</i>		6,370,582	April 9, 2002	Lim et al.	709	230	May 28, 1999

FOREIGN PATENT DOCUMENTS

Exmr Initial		Document Number	Date	Country	Class	Sub Class	Translation YES NO
<i>MM</i>		2814901	April 5, 2002	France			✓
<i>MM</i>		WO 97/48040	December 18, 1997	PCT			

OTHER DOCUMENTS

(Including Author, Title, Date, Pertinent Pages, Etc.)

			Institut National de La Propriete Industrielle Preliminary Search Report

Examiner 	Date Considered 12/10/04
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Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



Sheet 1 of 1

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